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SPECTRAL EXPERTISE

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‘Terribly unjust, subject to crisis, environmentally unwise, everywhere politically and economically captured by the few, and yet somehow impossible for anyone to alter or escape’: this is the world David Kennedy presents us with in his new book, *A World of Struggle*. To understand its stability, Kennedy argues, we must turn away from traditional accounts that focus on the interstate system or the global economy, and look behind these apparent structures to the work of experts. Global political and economic life is increasingly formed not in the visible centres of political decision-making, but in the shadowy world of technical management. This is not a world of calm analysis and sage counsel, but of ruthless internal struggle and unceasing conflict. It is also one that remains largely invisible, impervious to contestation. *A World of Struggle* seeks to pull back the veil on the workings of expertise, offering a rich description of the expert knowledge practices that shape our world.

Kennedy, Professor of Law at Harvard, is best known as a leading heterodox thinker in the field of international law. His earliest interventions were significant in introducing the insights and sensibility of the US Critical Legal Studies (CLS) movement into international legal scholarship. ‘Theses about International Law Discourse’ (1980) and *International Legal Structures* (1987) drew on the structural linguistics of Saussure to argue that the surface chaos of international legal discourse hides a deep legal grammar. Despite the apparent randomness of ‘ever more complicated and diffuse arguments’ within increasingly fragmented legal fields, international law and legal argument are, in fact, structured around a central axial opposition: between sovereign interest and international norm—national particularism set against participation in an international community. This tension is apparent at the most fundamental level—that of sources: from where does international law come, and from where does it derive its normative authority? Sovereign states are bound by international rules only because sovereigns consent to be bound—a claim rooted in the supremacy of national interest. But if law is indistinguishable from the political interests of sovereign states, how can we explain the persistent view, shared by state policy makers, that exogenous norms rooted in social consensus must be considered? International law is constraining precisely when states do not wish to be constrained. And yet from where does this normative constraint arise if not from sovereign interest? This dialectical pattern of conflicting modes of justification or rhetorical styles may manifest differently across diverse doctrinal areas—the law of the sea, war or human rights, for example—but ultimately reflects a common opposition between cooperation and autonomy: a salmagundi of international legal doctrine structured, in fact, by the same fundamental arguments. In these recurring patterns,

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Kennedy identified an international legal grammar—the *langue*, to use Saussure’s term—that nonetheless coexisted with substantively open and indeterminate arguments at the surface level of doctrine—the lawyers’ vernacular, or *parole*. The contradiction between sovereignty and community, Kennedy insisted, was ultimately irresolvable. Nothing internal to international law could determine which set of arguments, emphasizing one or the other pole, will be decisive. International law, in the final analysis, was ‘a conversation without content’.

The originality of Kennedy’s argument can hardly be overstated. Few scholars before him had sought to extend the insights of CLS to international law. Kennedy, in these and subsequent works, expanded the horizon of inquiry for a new generation of scholars reassessing the foundational assumptions of the discipline. These ‘New Approaches to International Law’ (NAIL) shared all of CLS’s theoretical eclecticism: a potpourri of methodological commitments united by little more than a heterodox attitude towards international law and a nominal attachment to progressive politics. What coherence they had owed much to Kennedy personally and to his institution building. While Kennedy himself proclaimed NAIL ‘done’ in 1998, his intellectual production has remained iconoclastic. In *The Dark Sides of Virtue* (2004), he sought to undermine the certainties of humanitarian and human rights lawyers. Might the human rights movement be part of the very problem it set out to address, he asked, cataloguing the ‘possible risks, costs and unanticipated consequences’ of humanitarian thinking and practice? Efforts to bolster refugee protection, foster economic development, and regulate the conduct of war: each betrayed a noble humanitarian impulse gone awry, unquestioned assumptions blinding policy makers to the consequences of their efforts. In *Of War and Law* (2006), against the backdrop of Kosovo, 9/11 and the second Iraq war, Kennedy noted that humanitarians and military officials increasingly shared a vocabulary. Though they might appear to disagree *prima facie*, both were in fact central actors in the formation of an expert consensus that, in turn, shaped the politics of war: ‘If ours has become a culture of violence, it is a shared culture, the product of military and humanitarian hands.’

Kennedy has produced a rich and varied body of work. But while his subject matter has shifted, a consistent theme runs throughout: international law is imagined not in conventional terms as a static set of rules, but as an argumentative practice. ‘The point about a norm is not its pedigree’, he wrote in *Of War and Law*, ‘but its persuasiveness’. To debate the validity of law is to beg the question; what really matters is ‘whose *interpretation* of the law will, in fact, prevail, and before what audience’. The community of professionals we know as international lawyers do not simply offer sage counsel on what the law permits or requires. Their conflicting articulations of the law are themselves productive of the law and legal relations as they come to shape our lived reality. In this sense, law is far from unique—it is simply one example of what Kennedy in his latest book calls the practice of expertise. Experts like to deny their agency. They appear to play a background role, using their specialized professional knowledge to advise, interpret and inform—what the public good demands; what the practical necessities of reason require; what scientific facts establish—while the real decisions are taken elsewhere, in the loci of power: the White House, the boardroom, the battlefield. Such a view of the world, and of experts’ place in it, is mistaken, or so Kennedy argues in *A World of Struggle*. Experts do not simply speak reason

to power: reason is a product of expertise; experts advance and legitimate political interests in universal terms, shaping and constraining the decisional space long before political decision-makers enter the scene. Kennedy's objective is thus 'to bring knowledge practices and power practices into the same frame', with expertise as 'the crossroads where they intersect'.

A World of Struggle sets out to construct a general model of the workings of experts and expert knowledge. At its heart, however, lie the building blocks of a more capacious social theory, one premised on a curious mix of methodological individualism and radical social constructivism. Citing Hobbes, Clausewitz and Schmitt, Kennedy places struggle at the centre of his model. The struggle between individuals is his epistemological lodestar, on which all further derivations rest. Yet his terrain of struggle is less a Hobbesian war of survival than an abstract topography on which people pursue self-interested 'projects'. It is the pursuit of these projects, rather than the desire for self-preservation, which brings them into conflict. A project, Kennedy explains, is simply 'something a person wants to achieve or obtain'. There is no *a priori* hierarchy of projects. One may want to victimize or to be a victim; while many desire prestige, others seek marginality, preferring to 'denounce power than exercise it'. The pursuit of idiosyncratic and incompatible projects places individuals in conflict with one another. Each struggle has distributional consequences: allocating 'resources, powers, statuses, or virtues'. These are not struggles among equals. Rather, there is 'a pre-existing status of forces': an uneven distribution of capabilities and competences among individuals engaging in struggle. In Kennedy's extended metaphor: 'It is helpful to think of people coming to struggle with little backpacks of legal and other entitlements, powers, and vulnerabilities'. What determines the makeup of my backpack? Its contents are also the product of struggle: to capture and lock in gains, excluding adversaries from what they value, but also improving one's starting position 'in the next round'. In this game-theory version of social relations, the history of all hitherto existing societies is the history of recurring rounds of struggle between rucksack-toting egoists.

What, then, of group identities or solidarities? Nation, corporation, government, religion: these are plastic institutional forms, their existence contingent on the tactical solidarities of self-interested individuals pursuing their projects. 'When we say that corporations and nations and religions do things', Kennedy writes, 'we mean that people are speaking, exercising authority, making claims, cooperating or fighting with one another in their name.' If struggle carries with it concrete distributional consequences, Kennedy nonetheless insists that the terrain on which it takes place is that of language and ideas: 'the exercise of power, even as brute force, occurs within a discursive world of meaning.' In pursuit of our projects, we exercise knowledge as power. Foucault, not Hobbes, is the guiding hand here. Power, Kennedy insists, 'is everywhere legitimated by knowledge practices that rationalize, explain, interpret and associate exercises of power, powerful people and powerful institutions with myths, ideologies, and other large ideas about values and interests'. From our backpacks we draw on 'tools of engagement': vocabularies that offer 'arguments and images for interpreting and contesting who and where one is, who can do what, who has what authority over whom, who can call upon the cavalry to what end'. We argue, posture and denounce, seeking to convince others that our parochial objectives are, in fact, matters of universal agreement, that our policy proposals are the most rational, effective or

desirable. Struggle, in short, ‘is undertaken with words’. Those words, to be sure, may carry an implicit threat: legal language is a particularly common mode of articulation precisely because law is ‘a site where words can be made real as coercion’. That tacit threat, however, is merely the distributional outcome of past discursive conflict.

The exercise of expertise produces those domains about which experts claim to have knowledge. The World Bank economist claims an expert knowledge of the world economy, the international relations scholar an expert knowledge of the international state system. Yet these systems, in Kennedy’s analysis, are generated by discursive knowledge practices. This is, fundamentally, what sets Kennedy’s approach apart from traditional accounts that see experts working within a system—the global economy, say, or the interstate political system—‘counselling actors, interpreting their powers and the limitations of the structure, resolving disputes’. Kennedy, on the contrary, argues that expertise brings the ‘actors’ and ‘structures’ that populate those conventional accounts into being: structures such as ‘global capitalism’ or ‘the state system’, and entities such as states, corporations, capital and labour—these are rhetorical techniques; ‘labels attached to people for a purpose’. If we understand global affairs to involve nations interacting within an international system, or economic agents operating within a global market, this is a product of the ‘knowledge work’ of experts. Although socially constructed, these concepts settle over time into common sense—the hypostasized outcomes of earlier epistemic struggle forming the common terrain of contemporary battle.

Kennedy’s is a universal theory of epistemic struggle: a general framework underpinning all social relations. Professionals are especially well placed to weaponize their expertise: leveraging the powers accrued in their backpacks—the ‘reservoirs of legitimacy’ attaching to professional standing—in pursuit of their projects. Yet, crucially for Kennedy’s argument, expertise is not the exclusive province of professionals. We ought not to speak of experts or expertise, he suggests, but of an ‘expertise effect’: the ability to convince others to yield to one’s status as an expert. Here, expertise is ‘less a form of knowledge deployed by specialized actors than a form of knowledge work undertaken by all kinds of people in their relationship with others’.

Expertise is also the terrain on which global governance takes place. The latter rests on the construction of select problems as *global* in nature. For problems to transcend the local and become global issues of concern, we must first conceive of a single unified world. If everyone conceives of the world as a series of bounded, parochial communities, few are likely to conclude its problems require global solutions. The construction of a global world has been centuries in the making. In the early 16th century, the Spanish theologian and jurist Francisco Vitoria wrote of a universal humanity that encompassed not only Europeans but also the indigenous peoples of the Americas. They too were human, subjects of a universal natural law. As it turned out, membership of a universal community included both rights and duties, including an obligation of hospitality—to European commerce and proselytization. In our own age, the *Blue Marble* image captured by Apollo 17 in 1972 did much to produce a conception of a unified globe. This translunar photograph, one of the most reproduced images in history, made visible, or so Kennedy contends—world wars and an international communist movement, among other world-

historical phenomena, go unmentioned—a ‘deep truth’: that ‘ours is one world, we are one humanity, Planet Earth is our only home’. Environmental catastrophe, economic crisis, humanitarian disasters: each could be framed as an urgent problem demanding global solutions only once we saw the world whole. The consolidation of this *donnée* carried with it distributive implications. As the notion of ‘one world’ became a banality, those pursuing more parochial projects were disadvantaged relative to the globalization boosters, environmentalists, and liberal humanitarians ‘whose projects could be hooked to the coat-tails of the one world idea’. Those humanitarians, for instance, describe a world of consensus, of shared humanity and common values, whose united peoples must be protected against malevolent outsiders. Their outlook has its attendant vocabulary—the ‘conscience of mankind’, ‘fundamental norms’, ‘responsibility to protect’—and institutional forms—an ‘international community’ denouncing outsiders, imposing sanctions and bombing to ‘protect civilians’. When NATO sought to depose Muammar Gaddafi, the situation in Libya was thus framed as a global crisis, a challenge to the ethics of an ‘international community’ by an ‘outlier rascal’. Military intervention was ‘at once confirmation and consequence of that frame’.

The denouement of prior struggle among experts, settled understandings of the world set the stage for today’s decisions. It is here, in the space between background and foreground, that experts rule. They create the framework for decisions by setting out—but also narrowing, delimiting and obscuring—the choices available to political leaders, sovereigns and business elites: explaining ‘what history and precedent require’ and standing between ‘the objective observation of facts’ and ‘the subjective exercise of discretion’. Those leaders appear to make decisions—their choices certainly shape the distribution of power and wealth in the world—on the basis of their interests or ideological preferences, and yet, if discretion and responsibility are the defining attributes of the foreground, these actors in fact find their agency replaced with ‘the felt necessity of deference to contextual forces and facts’. People speak of the ‘forces of globalization’, the ‘needs of the market’ or ‘global warming’, Kennedy observes, ‘as if they were facts demanding responses rather than interpretations rooted in human decision’.

The work of experts, however, is a ‘plural and contested activity’. Law, economics, political science—each professional discipline and sub-discipline has its own vocabulary for understanding and managing the world. Development economics, for example, is nowadays marked by a plurality of theories: expert consensus about what development is and how to bring it about no sooner arises than it quickly disintegrates—prescriptions run the gamut from Washington Consensus policies to import-substitution industrialization. The world of human rights activists, in contrast, bears the stamp of consensus: ‘They articulate what needs no articulation. They may be ignored, but rejoinder is less common.’ States may practice torture, but few will assert its normative validity. ‘Different modes of expertise’, Kennedy observes, ‘jostle with one another to define and manage aspects of global life’. And yet, ‘for all these differences in the role, style, and content of expert knowledge’, Kennedy finds common patterns in the ‘iterative and interactive process of doing things with words’. The structuralist tendency of *International Legal Structures* clearly still animates Kennedy in his effort to identify a grammar of expertise—hence, perhaps, his insistence that expertise is not merely ‘analogous to language’

but is primarily a discursive practice; his study is thus styled as a semiotics of expert argument.

Experts are subject to an incentive to develop new theories, policies and arguments. As such, the ‘armature of argument’ in any given field is continuously expanding: theoretical insights, drawn from diverse disciplines, proliferate; while the apparatus of expertise grows ever more sophisticated. This drive toward greater analytical sophistication and theoretical proliferation is accompanied, in Kennedy’s account, by a sense of professional ‘disenchantment’. Paradoxically, however, experts appear not just untroubled but emboldened by the ‘uncertainty of their expertise’. Economists may no longer believe in theories of absolute *laissez faire* or the planned economy, but it is not uncommon, Kennedy writes, to find those economists deploying such arguments and frameworks long after they have been ‘disabused of their analytic rigour and persuasiveness’. International law provides the clearest example of an expert practice at once ‘sophisticated and disenchanting’. The rise of managerial technocracy in global affairs has been accompanied by the expansion of the dominion of the legal. Indeed, the emergence of a regime of global governance is, in part, the story of that expansion and the proliferation of legal language as governance vulgate. Kennedy is at his best when describing the contemporary ubiquity of international law. ‘Although it is easy to think of international affairs as a rolling sea of politics over which we have managed to throw but a thin net of legal rules’, he observes, ‘in truth the situation today is more the reverse. There is law at every turn.’ Military conflict, Kennedy reminds us, is today a thoroughly legal animal, with ‘targets pored over by lawyers and belligerents on all sides legitimating their cause and denouncing their adversaries in legal terms’. So too is global economic life: capital, labour, credit, money, liquidity—each is a creature of law. Legal arrangements everywhere shape the bargaining power of different groups and social interests. It is no surprise, then, that law has become the expert vocabulary of argument *par excellence*: a ‘transnational language of entitlement and disputation’. At the same time, the ubiquity of legal language has generated an ever-expanding range of modes of legal reasoning, leaving lawyers ‘ever less content in their decisiveness or clarity’. Professional jurists once adhered to discrete theories of their field: ‘naturalism’ or ‘positivism’ could explain why international law was binding in a world of sovereign states. These days, no one is a positivist or a naturalist. ‘An international law professional today’, Kennedy holds, ‘ought to be an eclectic and savvy strategist, drawing on all these theories and their progeny’.

The law of war evinces the same pattern as other expert sub-fields: where once there appeared to be clear rules and distinctions, we now find ‘a confusing mix of principles and counterprinciples, of firm rules and loose exceptions’. The international laws of war do not necessarily act to limit the violence of the battlefield. International legal discourse certainly provides a powerful vocabulary for articulating humanitarian ethics. It also remains the primary rhetoric through which the legitimacy of war is assessed: was the use of force *necessary* for a given military objective? Was the collateral loss of civilian life *proportionate* to that objective? Crucially, however, this language—of legitimate targeting, proportionate violence, and so on—is equally efficacious when deployed by military experts. Lawyers participate in modern warfare: they accompany troops on frontline deployment and are ubiquitous in Pentagon planning rooms, scrutinizing all operational manoeuvres and targets. For every claim of an unjustified loss of

civilian life, military lawyers advance a claim of proportionality. Killing civilians, after all, is perfectly legal if proportionate, and, when it comes to proportionality, there are only shades of grey. Lawfare—the use of the law as a weapon to strategic ends—has long been deplored by the US right, who complain of adversaries using legal principles to ‘handcuff’ the US military; of those who would ‘exploit our values to defeat us’. For Kennedy, however, this is the quintessence of legal expertise: the military, after all, are no different when it comes to lawfare—they too mobilize international law to their own ends. All targeting decisions, Washington, Tel Aviv and Moscow alike proclaim, are in compliance with legal norms.

What are we to make of *A World of Struggle*? It is impressive in scope, drawing together the various concerns and insights of Kennedy’s long career, and expanding his analysis beyond the provincialism of international law scholarship. His style is limpid, if austere, and refreshingly free of the ostentatious jargon that so often characterises writing on such subjects. His examples are drawn from a range of disciplines and fields, although with a heavy bias towards development economics and international law, which unsurprisingly provides the richest descriptions. However, in drawing primarily on his own professional domain, Kennedy risks overstating the continuities between a specifically legal expertise and expertise as such. The distinctive qualities of international legal argument and assertion, traced so memorably in *International Legal Structures*, risk disappearing in the solvent of abstracted expertise.

Other questions might be asked. How convincing, for example, is Kennedy’s description of experts’ attitudes towards their own fields? Harvard lawyers, certainly, are taught that legal practice consists in navigating an infinite terrain of argumentation; that innovative, even cynical, manipulation of legal doctrine is synonymous with legal skill. To what extent, however, is this true across legal education, especially outside North America? A startling number of liberal international lawyers retain a naïve and utterly unjaded faith in their sacred cows. Many outside the US will fail to recognize themselves in Kennedy’s portrait. And what of other fields? Are mainstream economists really so cynical about their descriptions of the world? If only that were so. Certainly the further one moves from the academy, the more committed and less disenchanted expert practitioners appear. The key question, perhaps, is this: to what extent might an elite and professional parochialism have distorted Kennedy’s generalizations?

Kennedy is far from being the first scholar of expertise, yet he largely neglects the extant literature on the topic. Indeed, other than a discussion of Ricardo and Myrdal’s economic thinking, and the aforementioned invocation of a banalized Hobbes, Clausewitz and Schmidt, there is little sustained engagement with any thinkers of note. In the absence of any bibliography, a handful of endnotes provide the only hints as to the theoretical influences that have shaped Kennedy’s study. Many of these are oddities: Immanuel Wallerstein is cited as significant, yet the sum total of his influence appears to be a recognition of the relationship between a centre and a periphery—the notion of a world system, let alone a capitalist one, is immediately jettisoned by Kennedy, the ‘global situation’ imagined simply as a free-floating ‘kind of dualism’. The influence of Saussure—so apparent in *International Legal Structures*—clearly remains, but the most visible inspiration in *A World of Struggle* is the radical social constructivism of the late

20th century: in particular, the poststructuralist sociology of science and technology, with its focus on the ‘performative dimension of expert practice: expert work constituting the space of its own expertise’. Kennedy acknowledges his debt to this sociological work, citing Donald MacKenzie, Fabian Muniesa and Lucia Siu’s collection, *Do Economists Make Markets?: On the Performativity of Economics*, and tracing their thought back through the Actor-Network Theory of Bruno Latour and Michel Callon. Kennedy is particularly taken with Callon and MacKenzie’s argument for the performativity of economics: their central proposition—that economists do not merely describe the economy but actively produce it—offers a prime example of expertise at the coalface. Citing Callon’s *Laws of the Market*, Kennedy writes that ‘economists do not merely study markets, they “make” them by articulating what markets are and how they function’. In what follows, however, any distinction between the making of markets and the production of meaning about markets—or between the discipline of economics and the material economy—is elided in Kennedy’s misprision of the sociology of finance. Indeed, Callon’s thought permeates the epistemology of *A World of Struggle*: his insistence that ‘capitalism is an invention of anti-capitalists’ and rejection of macro-scales anticipate the leitmotifs of *A World of Struggle*, with its parallel scepticism of macro-level explanations. Ultra-nominalism and an elision of material concerns thus mark Kennedy’s choice of inheritance. If Kennedy recognizes the tension between the premises of his project—a rejection of the structural and systematic as legitimate objects of analysis—and its ambition—to describe a universal system of grammar that structures all arguments about knowledge claims—there is no hint of such an awareness here.

Those premises also foreclose any trenchant historical engagement. Kennedy draws examples from a sweeping historical panorama—spanning the Spanish scholastics to the present day—but his theory remains fundamentally ahistorical. His denial of systemic forces and attendant insistence on the contingency of struggle makes historical explanation impossible, leaving only, in Nancy Fraser’s words, the ‘abstract transhistorical property of language’. How and why has technocratic governance assumed a guiding position in global governance, the reader wonders? Kennedy can offer no explanation for the historical emergence of this division of labour or its world-historical significance. In Kennedy’s own telling, expertise was not always the disenchanted domain of cynically strategic professionals. Why, then, is it so now? If Vitoria was already performing expert-style knowledge work in the 16th century, what accounts for the explosion of expertise as the dominant mode of governance in the proceeding centuries? Marx, of course, offered some insight into these questions, directing us to the precise structures that Kennedy would sooner dismiss—modes of production reproduced in social formations and to which ‘definite social forms of thought correspond’. It is not mere contingency that theologians were once the leading experts of their time or that their arguments no longer carry the weight they once did, nor that in our own time, in which material interests prevail, it is lawyers and economists who have supplanted them as exemplars of expertise. ‘The Middle Ages could not live on Catholicism, nor the ancient world on politics’, Marx observed. Nor the modern world on law, we might add. Almost a century ago, the Soviet legal scholar Evgeny Pashukanis demonstrated that capitalism cannot be easily dismissed if we wish to understand the historical specificity of legal relations. With only transhistorical abstractions in his backpack, Kennedy appears somewhat akin to Don Quixote in Marx’s *bon mot*, who ‘long ago paid the penalty for

wrongly imagining that knight errantry was compatible with all economic forms of society'. If experts work against a tableau of sedimented ideas, where did those sedimented ideas originate? How do sites of expert struggle become solidified as background common sense? Given Kennedy's belief in contingency, he can offer very little insight into how and why our conceptual frameworks and attendant commonsense assumptions change over time. To conceive epistemic shifts as indeterminate, contingent happenings makes historical explanation of the dynamics of expertise—of the process of struggle and sedimentation—fundamentally impossible. All Kennedy can offer in response to such questions are fractal iterations of the same abstracted game: discursive struggle all the way down.

However, despite lingering in the linguistic realm, Kennedy does not altogether deny the existence of an extra-discursive real world. In seeking to understand why some expert arguments become accepted as fact, 'it is easy', he writes, 'to underestimate the role of coercion or social hegemony, to overestimate the role of persuasion, or to imagine persuasion as a matter of good arguments driving out bad. In every field, relations with the material world of force and the social world of prestige and legitimacy will be different'. He is clear-sighted about the real consequences of expert rule. Wealth, status, opportunity: these are the distributional stakes Kennedy is, from the very first page of his book, deeply concerned with. The work of distribution may be done at the level of discourse, but it nonetheless produces concrete outcomes and changes in material circumstances. Yet Kennedy is unwilling to consider that the reverse might be also true: that material forces in the real world might determine the relative power of various discourses. The relationship between the discursive world in which experts argue and the real world that those experts argue about and shape thus necessarily remains half-hidden from view.

Such equivocation was already apparent in Kennedy's first, seminal interventions, in which international law was depicted as a series of oscillating but ultimately indeterminate arguments. He was deeply influenced by the indeterminacy thesis advanced by an earlier generation of critical legal scholars, particularly Duncan Kennedy (no relation). Against a Marxist view of legal doctrine as the product and servant of ruling-class interests, the elder Kennedy argued that legal doctrine bears the stamp not of class bias, but of radical indeterminacy. In the modern era, the legal doctrine of freedom of contract, for example, serves the interests of capital, but not because the doctrine is inherently pro-capital. Rather, capitalist interests exploit what is at root an unfixed doctrine and one that could, through struggle, be reconfigured to advance opposing interests. Thus freedom of contract is open to appropriation by labour—that no such appropriation has thus far taken place is not the result of any logic inherent in the doctrine, but of an external system of power relations. Indeterminacy is not the same as randomness. Even if legal conclusions do not flow in a predictable way from legal doctrines, the power relations of a particular conjuncture still systematically shape the outcomes of legal disputes. While the younger Kennedy was quick to insist that structural indeterminacy did not render international law an 'anarchistic anything-goes morass', nor did he seek to elucidate in any detail the—often predictable—ways in which the indeterminacy of legal discourse was resolved. In *International Legal Structures*, Kennedy professed disinterest in 'the relationship between international legal

materials and their political and interpretive milieu’—‘I am not concerned about the context within which arguments are made and doctrines developed.’ Context was irrelevant to the project of a structuralist reading of international law.

In *A World of Struggle*, Kennedy is faced with the same dilemma, now extrapolated from international legal argument to expert argument in general. Here he concedes that ‘it remains difficult to explain why some arguments succeed or persuade while others fail when the vocabulary has become so plastic. It is hard not to conclude—or at least be suspicious—that “something else” is going on.’ Others working in the Marxist tradition, such as Robert Knox and China Miéville, have in fact provided trenchant accounts of that ‘something else’: of the structural biases that reproduce the dominance of some international legal interpretations and arguments over others, thus illuminating what Susan Marks memorably called the ‘false contingency’ of international law. Beyond the disciplinary confines of legal scholarship, an entire tradition of ideology critique, from Marx via Gramsci and the early Frankfurt School, has catalogued the relationship between the material and linguistic; between the systemic logic of capitalism and the ideological forms it throws up. Yet for Kennedy, still allergic to systemic logics, the ‘something else’ remains elusive, and is quickly ushered out of sight, lest it destabilize the discursive foundations of the analytical architecture of *A World of Struggle*.

Kennedy’s book is valuable, nonetheless, in seeking to raise ‘a critical suspicion’ about experts and their practices. Expertise hides its own nature, naturalizing the established order and displacing responsibility. ‘To ask how hegemony arises’, he writes, is already to ‘participate in its erosion’. Yet, in Kennedy’s view, it is almost impossible for us to extricate ourselves from the hegemony of expertise. We no longer know how to challenge expert practices and the inequalities they perpetuate without resorting to the vernacular of expertise. ‘Insiders and outsiders’, he writes, ‘are speaking the same language’, playing ‘opposing roles’ in the theatre of world affairs, where ‘expertise is the coin of the realm’. There is no escape from that theatre of discursive struggle in which expertise holds epistemic primacy. Yet we are not without hope, Kennedy assures us. In the very operations of expert rule lie the possibilities of an alternative future. When two experts advance competing arguments, one must prevail and the other yield. In this moment of yielding, of abandoning one’s position for that of another, the expert is unmoored from the ‘technical argument, interest, or ideological commitment that seemed to compel and justify his position’. Suddenly he is faced with a choice: a ‘moment of vertigo and professional freedom’. ‘In that moment’, Kennedy suggests, hopefully if enigmatically, ‘we may glimpse an alternative to rule by experts: rule by people deciding responsibly in a moment of unknowing’.

Must our political horizon be limited to momentary glimpses of another world within an existing world of vertiginous experts and responsible policymakers? Are all oppositional vocabularies and movements really just attempts at expert mimesis? Or might Kennedy’s claustrophobic theatre of expertise reflect his own narrow engagement with a limited thought world? For all the author’s invocations of ‘political economy’, there is no engagement with the tradition by that name which developed as a radical alternative to the orthodoxies of neoclassical economics. Instead, the book reads at times like a vitae of encounters with a mainstream elite: ‘My first year

at Davos . . .'; 'I had dinner a couple of years ago with a leading European politician . . .'; 'a retired German ambassador invited me to his home in Berlin for dinner with an array of political luminaries . . .'; 'I spent some time in the cabinet of a commissioner of the European Union . . .'; 'When I trained military commanders in Africa for the US Navy . . .'. Save for a visit to Occupy Wall Street, *A World of Struggle* betrays a haughty distance from any radical politics.

Still, it might be instructive to take Kennedy at his word. No description, he rightly observes, is neutral; each carries with it a political valence. Kennedy is, of course, an expert himself, and while his own story about the world is offered as a neutral, detached portrait *of* expertise, it is at the same time an exercise *in* expertise—an argument with its own distributional stakes. Whose interests, we might ask, are served by a description of the world in which concentrations of power in the global economy are merely contingent, not the product of any systemic logic; where global capital is a fiction, resistance futile, even counterproductive, and oppositional politics and traditional organizational forms useless relics of the past? *A World of Struggle* is an important corrective to celebrations of technocratic management, laying bare the ways in which modern expertise encourages us to mistake the present for the possible. But might Kennedy's apologia for capitalism not effect an ideological erasure as politically debilitating as any expert argument?